

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6664

BILL NUMBER: SB 445

DATE PREPARED: Mar 2, 2001

BILL AMENDED: Mar 1, 2001

SUBJECT: Criminal History Checks.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *State or Governmental Entities*- This bill specifies that a state or governmental entity may obtain the release of limited criminal history for an applicant for employment with the entity.

School Corporations, Nonpublic Schools, and Special Education Cooperatives- It specifies that a school corporation, nonpublic school or special education cooperative may obtain without charge the limited criminal history of a prospective employee from a law enforcement agency. It specifies that a special education cooperative may obtain without charge the limited criminal history of an adult volunteer from a law enforcement agency. It allows a school corporation, nonpublic school or special education cooperative to obtain a national criminal background check on a person applying for employment.

This bill also makes related changes.

Effective Date: Upon passage.

Explanation of State Expenditures: (Revised) *State or Governmental Entities*- This provision would broaden the entities and potential employees that can request or be subject to limited criminal history checks. It could also require the addition of a PAT III data entry person and computer equipment to process information to the State Police (which operates the Indiana Central Repository for Criminal History Information). Estimated costs would be \$40,068 for FY 2002 and \$39,800 in FY 2003.

The funds and resources above could be supplied through a variety of sources, including the following: 1) existing staff and resources not currently being used to capacity; 2) existing staff and resources currently being used in another program; 3) authorized, but vacant, staff portions, including those positions that would need to be reclassified; 4) funds that, otherwise would be reverted; or 5) new appropriations.

Currently, there are several vacancies within the Central Records Division of the State Police from which a new data entry position could be filled.

Ultimately, the source of funds and resources required to satisfy the requirements of this provision would depend upon legislative and administrative actions. Funding for the Indiana State Police originates from the state General Fund and the Motor Vehicle Highway Fund.

School Corporations, Nonpublic Schools, and Special Education Cooperatives- The Indiana State Police would experience an indeterminable increase in administrative expenses due to the provisions of this bill. However, any expenses would likely be mitigated via fees (allowed by this bill) set by the State Police to defray the costs associated with a search for, and classification of the applicant's fingerprints.

The specific effects are currently indeterminable, and would depend upon the number of national background checks requested by school corporations, nonpublic schools or special education cooperatives, and any fees set by the State Police.

Background- Under current law, prospective employees of school corporations, nonpublic schools or special education cooperatives are not required to submit fingerprints for national background checks to local law enforcement agencies. In accordance with this bill, all such prospective employees (including certificated and non-certificated employees) would be required to do so at the request of their employer.

In order for a national background check to be initiated, fingerprints would first need to be sent to the State Police for processing and ultimate transmittal to the Federal Bureau of Investigation (FBI). The FBI does not accept finger prints from local law enforcement entities due to a concept designated as "sole source". (The State Police is the current "sole source" for all fingerprint transmittals to the FBI.)

Explanation of State Revenues: (Revised) The state General Fund would experience an indeterminable impact regarding the two provisions of this bill concerning revenue from State Police criminal history checks. (Increases could be realized by broadening the entities and potential employees that can request or be subject to limited criminal history checks, and decreases could be realized by waiving the \$7 fee charged for limited criminal history checks for school corporations, nonpublic schools or special education cooperatives.)

State General Fund Revenues from criminal history checks for FY 2000 totaled \$1,602,808.

Explanation of Local Expenditures: (Revised) Law enforcement agencies would experience an indeterminable increase in administrative expenses due to the provisions of this bill. However, any expenses would likely be mitigated via fees (allowed by this bill) set by each respective agency to defray the costs associated with a search for, and classification of the applicant's fingerprints.

The specific effects are currently indeterminable, and would depend upon the number of national background checks requested by school corporations, nonpublic schools or special education cooperatives, and any fees set by the local agencies.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police.

Local Agencies Affected: School Corporations, Special Education Cooperatives; Law Enforcement

Agencies.

Information Sources: State Manning Table (November, 2000), State Police.